

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Main Committee III

Summary record of the 2nd meeting

Held at Headquarters, New York, on Tuesday, 11 May 2010, at 10 a.m.

Chairman: Mr. Nakane (Japan)

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The meeting was called to order at 10.25 a.m.

General exchange of views (continued)

1. **Ms. Pokhval'ona** (Ukraine), recalling the inalienable right of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to develop research, production and use of nuclear energy for peaceful purposes without discrimination, said that States should have unfettered access to such energy, which was important for sustainable socio-economic development, provided that they complied with the full scope of safeguards applied by the International Atomic Energy Agency (IAEA). It was crucial to ensure adequate, predictable financing for the IAEA Technical Cooperation Programme, as it played an important role in the application of nuclear energy for peaceful purposes.
2. States should take bold steps to ensure that nuclear energy was used in such a way as to reduce proliferation risks, in accordance with the highest international standards of safety and security. Ukraine was committed to doing its part: at the Nuclear Security Summit recently held in Washington, D.C., her Government had announced its decision to eliminate its national stocks of highly enriched uranium by 2012, provided it received sufficient international assistance. That decision also demonstrated Ukraine's commitment to implementation of Security Council resolution 1887 (2009).
3. It was important to continue international cooperation with a view to strengthening nuclear security, safe waste management, radiological protection and civil nuclear liability. She called on States that had not yet done so to accede to and implement all relevant IAEA conventions without delay. Ensuring the nuclear fuel supply was a complex process, with many technical, legal, commercial and economic implications. The benefits of multilateral approaches to the nuclear fuel cycle were clear; however, assurance mechanisms should not distort the existing market. At the same time, such mechanisms should address the right to peaceful uses of nuclear energy by providing nuclear fuel supply security for countries developing a nuclear programme in the best safety, security and non-proliferation conditions. Initiatives such as the establishment of a low-enriched uranium bank under the authority of IAEA could provide back-up mechanisms for interested States and facilitate lasting multilateral solutions to the growing need for nuclear fuel and related services while minimizing the risk of proliferation. She urged the IAEA Board of Governors to agree on measures to that end and welcomed the recent agreement between IAEA and the Russian Federation to establish a reserve of low-enriched uranium for supply to IAEA to be located at the International Uranium Enrichment Centre in Angarsk, Russian Federation.
4. **Mr. Kashout** (Libyan Arab Jamahiriya) said that his country attached particular importance to the inalienable right of States parties to the Treaty to develop, produce and use nuclear energy for peaceful purposes, in accordance with the Treaty and the IAEA Statute. Concerns over nuclear proliferation thus should not interfere with the exercise of that right. Developed countries must not impose conditions or restrictions on the transfer of nuclear materials, technology or knowledge for peaceful purposes to non-nuclear-weapon States that were parties to the Treaty and that had concluded comprehensive safeguards agreements with IAEA.
5. The Agency was the sole authority responsible for verifying compliance with Treaty obligations and comprehensive safeguards agreements. In order for the Agency to have a truly international character, its inspection and verification mandate must be extended to include all States, whether nuclear or non-nuclear.
6. The Agency should pursue in a balanced manner its objective of accelerating and enlarging the contribution of atomic energy to peace, health and prosperity throughout the world. Therefore, technical cooperation and assistance provided by the Agency must not be subject to political, military or economic conditions beyond those specified in the IAEA Statute. Similarly, no new standards or guidelines for the selection of technical cooperation projects should be added, as the existing standards were effective. Nothing in the Treaty forbade the transfer or use of nuclear materials or equipment for peaceful purposes, as long as they were placed under IAEA safeguards. The various technical, legal, commercial and economic dimensions of the proposal to ensure access to nuclear fuel supply would require in-depth consideration and transparent negotiation.
7. IAEA must participate in developing international safety and security standards for the benefit of each State, without hindering the peaceful use of nuclear energy, particularly by developing countries. Libya called on the Agency to suspend its Technical

Cooperation Programme with Israel, a non-State party that had not submitted its nuclear facilities and activities to international monitoring and inspection. It also repudiated the attack or threat of attack on nuclear facilities, given the potential repercussions of such acts on humankind and the environment.

8. The growing number of nuclear weapons and means for their transfer, the increase in fissile material for nuclear weapons, the doctrine of nuclear deterrence, the failure to set a time frame for the destruction of the nuclear-weapon States' arsenals and the policy of double standards were sources of concern. By implementing their nuclear disarmament and non-proliferation commitments, nuclear-weapon States could make a significant contribution to international peace and security and shoulder their responsibility. Moreover, IAEA must be given the necessary authority to carry out its nuclear-disarmament verification mandate.

9. In closing, he affirmed the sovereign right of States parties to withdraw from the Treaty, as enshrined in article X, and denied the validity of any attempt to amend, reinterpret or adopt restrictive measures in respect of that article.

10. **Mr. Park Chul-min** (Republic of Korea) said that promoting the peaceful uses of nuclear energy was critical to ensure the viability and credibility of the Treaty and maintain the delicate balance between its three pillars. The Republic of Korea had significant experience in developing a peaceful nuclear programme, which had fuelled its economic development and become an indispensable part of its energy infrastructure. Recognizing the essential role played by IAEA in promoting the peaceful uses of nuclear energy and the importance of ensuring adequate resources for the Technical Cooperation Fund, his Government would continue to support the Agency's activities by assisting other States in such areas as nuclear power infrastructure and human resources. It would furthermore contribute to the efforts of IAEA to establish a culture of nuclear safety in those countries.

11. The Republic of Korea's support for nuclear research and development was inextricably linked to the maintenance of the highest standards of non-proliferation, safety and security; to that end, his Government was actively involved in a number of relevant international initiatives. Noting the various proposals on multilateral fuel supply assurance schemes presented to the IAEA Board of Governors, he

said that addressing the issue of supply security would help to maintain confidence in the Treaty during the current transition to a nuclear renaissance. He welcomed the recent signing of an agreement by IAEA and the Russian Federation to establish a low-enriched uranium reserve in Angarsk, which would provide a test case for efforts to ensure reliable access to nuclear fuel. Due consideration should also be given to the back end of the fuel cycle, including waste management.

12. Although the right of States parties to withdraw from the Treaty should be respected, it was important to recognize that any withdrawal undermined not only the validity of the Treaty, but efforts to achieve its universality. Abuse of States' rights under article X, especially when combined with violations of the Treaty, would be detrimental to the security of all. The withdrawal by the Democratic People's Republic of Korea, combined with blatant violations of the Treaty, was the clearest example of such abuse. In that regard, the Republic of Korea reiterated the importance of reaching a common understanding on the need for an effective response mechanism. The right of withdrawal should be exercised in strict observance of the procedural requirements of the Treaty. States were responsible for any violations of the Treaty prior to their withdrawal and a fall-back safeguards system should be implemented.

13. **Mr. Reyes Rodriguez** (Colombia) said that his Government attached great importance to the outcomes of past Review Conferences. The inalienable right of States parties to the benefits of peaceful applications of nuclear energy helped to maintain a balance between the nuclear-weapon and non-nuclear-weapon States. International cooperation and national capacity-building were crucial given the importance of energy demand as a factor in development. Nuclear technology was also essential to meet the objectives set by the international community regarding environmental protection and the fight against climate change. A safe and fair solution was necessary to allow developing countries access to the nuclear fuel cycle.

14. In order for the technological requirements of States parties to be met in a satisfactory manner, it was imperative to strengthen the financial, human and technical resources of IAEA. The Committee must make recommendations to guarantee access by all States to nuclear technology, at the same time ensuring that such transfers did not result in violations of the non-proliferation regime. He welcomed the announced

contribution by the United States of America towards the work of IAEA and invited other developed countries, especially nuclear-weapon States, to make similar contributions.

15. In order to ensure that the vision of a "nuclear spring" became a reality, IAEA monitoring mechanisms must be given full political support and necessary financial resources. Stressing the need to preserve the integrity of the Treaty, he said that his delegation would oppose any modification of the text of the Treaty, including article X, as well as any attempt to interpret its provisions in a way that weakened the non-proliferation regime.

16. **Mr. Laajava** (Finland) said that public acceptance and international confidence in nuclear safety and security were prerequisites for a successful national nuclear power programme. International cooperation and the sharing of expertise were crucial in that regard. Finland, as a small country that had enjoyed the benefits of nuclear energy since the 1970s, had a good safety record and excellent performance indicators. His Government had recently approved in principle the construction of additional nuclear power plant units and of an extended final disposal repository for spent nuclear fuel generated in Finland. Finland would thus make a dramatic shift towards carbon-emission-free energy production, while ensuring its self-sufficiency in electricity production for the first time in several decades.

17. Nations wishing to develop peaceful uses of nuclear energy must consider the issue of nuclear waste management from the start. A plan for the final disposal of spent nuclear fuel and nuclear waste, as well as the financing of such activities, was crucial. In Finland's case, the policy on spent nuclear fuel management was adopted in 1983. Final disposal of spent nuclear fuel would start by 2020, with all waste management and decommissioning costs being covered by nuclear power companies, rather than by the Government. The unique nature of the final disposal facility in the nuclear power industry had prompted IAEA to develop a specific safeguards approach. The new integrated safeguards system allowed the Agency to make optimal use of all the information available to it, while Finland's experience in implementing State-level safeguards had enabled it to achieve increased efficiency.

18. Finland's energy policy also strongly emphasized renewable energy, such as wind and bioenergy. His

Government was a party to all relevant international instruments and informal arrangements on nuclear safety, security and non-proliferation, and actively participated in the development of related international standards and guidelines, particularly within the framework of IAEA. Finland had benefited from the advisory services of IAEA and several safety peer review missions had been conducted on its territory; he encouraged other States to do the same.

19. **Ms. Briza** (Algeria) said that the Review Conference should take steps to protect and promote the inalienable right of States parties to peaceful applications of nuclear energy, including by adopting practical measures to facilitate access to and cooperation on such applications. Algeria supported the important role played by IAEA, as well as all regional and international initiatives seeking to strengthen and diversify scientific and technical cooperation in that regard. The Conference should adopt recommendations to strengthen the Agency's mandate, particularly in areas relating to peaceful uses of nuclear technology. Obstacles to the full exercise by States parties of their right to develop civil nuclear programmes, regardless of the area of application, must be eliminated, provided that the States parties in question were in compliance with the Treaty and the IAEA safeguards system. Furthermore, the Conference should call on all States that had not yet done so to ratify the amendment to article VI of the IAEA Statute for its immediate entry into force. Indeed, expanding the Board of Governors would strengthen the Agency's credibility and its decision-making process. Lastly, the Review Conference should adopt recommendations to increase the Agency's regular budget for technical and scientific cooperation and should call on donor countries to honour their commitments under article IV of the Treaty by providing further financial support to the work of IAEA.

20. Nuclear energy was as a strategic choice for many countries experiencing growing energy needs. IAEA, which had been asked by some 60 developing countries for assistance in introducing the use of nuclear energy, must be given the necessary resources to be the vector of the nuclear renaissance. At the same time, the proposed multilateral mechanism for nuclear fuel supply should not be designed in such a way that it limited the rights of States to develop a civil nuclear programme. While such proposals could provide opportunities to facilitate access to nuclear energy, particularly for developing countries, discussions should

be held in a spirit of openness and transparency, with a view to reaching consensus solutions that respected the right to benefit from peaceful applications of nuclear energy. In January 2007, Algeria had hosted the High-level African Regional Conference on the contribution of nuclear energy to peace and sustainable development, with the support of IAEA and the African Union. The Final Declaration of Algiers and detailed Plan of Action adopted by the Conference had been submitted to the Committee for its consideration and, it was hoped, its adoption of recommendations to facilitate and accelerate their implementation, particularly through IAEA.

21. **Mr. Kuchinov** (Russian Federation) said that his Government supported States parties' access to the peaceful applications of nuclear energy, as well as increased international cooperation in that area, in order to maintain the necessary balance between the development of peaceful applications and the strengthening of the nuclear non-proliferation regime, particularly the IAEA safeguards system. It actively participated in a number of multilateral cooperation initiatives on peaceful uses of nuclear energy. Nationally, nuclear power had taken on increasing importance: in fact, there were plans to nearly double the share of nuclear power by 2030. The legal, financial and institutional frameworks necessary for such progress had already been established. Currently, the Russian nuclear industry was prepared to supply low- and medium-power reactors to the market and thus contribute to the development of many countries. His Government also had plans to build new nuclear power plants and technologies and had actively cooperated with States parties in that area and others, such as nuclear fuel supply, nuclear security and waste management. Professional training, too, was available to national and international students and specialists, as an essential component of the Russian nuclear energy development programme. The Russian Federation attached great importance to cooperation on peaceful uses of nuclear energy with members of the Commonwealth of Independent States.

22. His Government intended to continue making voluntary contributions to the Technical Cooperation Fund. It was important to retain the existing funding mechanism through contributions by IAEA members in their national currencies, the amount of which was determined on the basis of the United Nations scale of assessments. The Russian Federation worked together with IAEA on projects to develop the economies of the

Agency's members, as well as with developing States parties to the Non-Proliferation Treaty. Access to peaceful applications of nuclear energy should be ensured through cooperation, enabling those States to cut costs when starting a national nuclear energy programme and limiting proliferation of sensitive nuclear fuel cycle technology as well. In January 2006, his Government had proposed the establishment of international centres for nuclear fuel cycle services in an effort to develop a global nuclear energy infrastructure: the International Uranium Enrichment Centre in Angarsk was a practical contribution to that goal. It was important to note that the proposal did not infringe on the rights of IAEA member States to develop their own nuclear production capacity, nor had any conditions been set in order for States to receive low-enriched uranium from the guaranteed reserve. Furthermore, the proposal did not conflict with other multilateral nuclear fuel supply assurance mechanisms: the Russian Federation stood ready to cooperate with States parties to the Treaty to advance such initiatives. Several agreements regulating the establishment and use of a guaranteed stock of low-enriched uranium for supply to IAEA for its members had been signed recently by IAEA.

23. As a signatory of the Convention on Nuclear Safety, his Government attached great importance to the safety of nuclear power facilities. In an effort to strengthen safety and security internationally, it had assisted the Republic of Armenia in enhancing safety standards at its nuclear power plant as part of the IAEA Technical Cooperation Programme, and had allocated funds to improve security at the Chernobyl nuclear power plant and to accelerate its decommissioning. The Russian Federation had also ratified the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and participated in various initiatives under the Convention and IAEA related to waste management. The issue of spent nuclear fuel might best be resolved through multilateral approaches and the provision of integrated services by supplier countries, an approach which had been adopted with several countries.

24. **Mr. Dolfe** (Sweden) said that multilateral nuclear fuel assurances and the work of IAEA in that area should be given high priority. Such assurances, which should remain entirely voluntary as a back-up mechanism, contributed to the goals of increased supply assurance and non-proliferation. As Sweden's

experience had shown, even in the case of a fairly large national nuclear programme, reliance on a well-functioning international market proved more advantageous than initiating costly and uncertain national schemes. While disruptions in the nuclear fuel market had been rare in the past, multilateral nuclear fuel supply mechanisms would be useful, for instance, to ensure supply to States experiencing an unforeseen need for low-enriched uranium. Whether as a back-up reserve or in a more sophisticated form, such mechanisms could play a useful role in contributing to enhanced supply security and to the non-proliferation regime, without infringing on States' rights under the Treaty. In that connection, he drew attention to his delegation's working paper on the potential benefits of such arrangements (NPT CONF.2010/WP.7) as well as to a working paper by the Vienna Group of Ten (NPT CONF.2010/WP.18) on approaches to the nuclear fuel cycle.

25. **Ms. Mosley** (New Zealand) said that the issues of nuclear non-proliferation, safety, security and waste management must be addressed when developing peaceful uses of nuclear energy. Nuclear technology must remain accessible to all States parties, but it was crucial to ensure that such technology was managed safely and securely and did not lead to the proliferation of nuclear weapons. Multilateral approaches to the nuclear fuel cycle could provide a cost-effective and viable alternative to the development of nuclear fuel cycle capabilities without affecting States' rights under the Treaty. Assurances should address real needs, including the back end of the fuel cycle; they should furthermore be transparent, independent, inclusive and applied in an equitable manner, using defined criteria in accordance with IAEA safeguards. Any proposal for a multilateral nuclear fuel cycle mechanism should provide for effective physical protection of the associated nuclear material and facilities as well as the highest standards of nuclear, radiation and transport safety and waste management. Her Government acknowledged the primary responsibility of individual States for maintaining the safety of nuclear installations within their territories or under their jurisdiction and the crucial importance of an adequate national technical, human and regulatory infrastructure in waste safety. Welcoming the essential role played by IAEA in improving the global nuclear security framework, she called on all States to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories and urged those

States in a position to do so to work to enhance international partnerships and capacity-building in that area. All States parties involved in commissioning, constructing or planning nuclear power reactors or considering nuclear power programmes should become parties to the Convention on Nuclear Safety without delay. She also urged the application by States parties of IAEA safety standards to improve national nuclear radiation, transport and waste safety infrastructure.

26. International cooperation on safe maritime and other transport of radioactive material needed to be strengthened, including safety and security standards and the provision of timely information on such transport. Effective national and international nuclear liability mechanisms must be established to provide compensation for damages in the event of an incident during the maritime transport of radioactive materials. She welcomed the ongoing work of the Contractors International Group on Nuclear Liability in that regard, as well as the informal discussions on communication between shipping States and relevant coastal States with IAEA involvement, and the ongoing bilateral discussions between relevant shipping and coastal States on issues of mutual concern.

27. **Mr. Fazzam** (Kuwait), noting the importance of nuclear power as a source of energy and the potential benefits of its peaceful applications, reiterated that all States parties had the fundamental right to possess and develop nuclear technology for peaceful purposes without discrimination. In 2009 Kuwait had declared its intent to launch a programme for the peaceful use of nuclear energy, in order to meet growing domestic demand for electricity and water. To that end, a national committee on the peaceful uses of nuclear energy had been established.

28. Kuwait had pledged \$10 million to the initiative to establish a nuclear fuel bank under IAEA supervision and was looking forward to a constructive dialogue leading to a consensus on its structure and administration.

29. Echoing the views expressed by other delegations regarding the existence of double standards in the transfer of nuclear materials and technology to non-States parties, he called for the suspension of technical assistance to those States until they acceded to the Treaty as non-nuclear-weapon States and placed their nuclear facilities under IAEA safeguards.

30. **Mr. Wang Qun** (China) said that more and more countries saw nuclear energy as a technically proven, clean, safe and economically competitive source of energy and an important option for meeting energy demands. The promotion of the peaceful uses of nuclear energy and the prevention of nuclear weapons proliferation were mutually complementary and reinforcing. Non-proliferation efforts should, however, not undermine the legitimate right of countries, especially developing countries, to the peaceful uses of nuclear energy.

31. The International Atomic Energy Agency had been providing assistance through technical cooperation to its member States, in accordance with its mandate, in the fields of nuclear power, nuclear safety, waste management and nuclear technology applications through technical cooperation. In that connection, the Technical Cooperation Fund should be supported with adequate resources.

32. Nuclear fuel supply assurances were of great importance in promoting the development of nuclear energy. The various multilateral nuclear supply mechanisms and initiatives involved political, economical, technical and legal factors and should be studied in depth to find a practical way acceptable to all, and meanwhile, the right of the peaceful uses of nuclear energy should not be affected.

33. Enhancing nuclear security was of great significance and all countries bore the responsibility for taking physical protection measures to secure nuclear material and facilities within their respective jurisdictions. The existing international legal framework and international cooperation in that area needed to be strengthened.

34. China had set up a sound nuclear industry and had formulated a mid- and long-term nuclear power development plan, stressing research and development of next-generation technologies and nuclear safety and security in line with international standards. It had acceded to the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and had actively provided nuclear security assistance to other developing countries. It had also ratified the Amendment to the Convention on the Physical Protection of Nuclear Material in 2008, and had started the domestic ratification process for the International Convention for the Suppression of Acts of

Nuclear Terrorism. China actively supported IAEA activities in the field of nuclear security and had had good cooperation with IAEA and other countries in that field during the Beijing Olympic Games in 2008.

35. At the International Ministerial Conference on Nuclear Energy in the Twenty-first Century, which China had co-sponsored, countries had exchanged views on experiences and future strategies concerning the development of nuclear energy. China had conducted fruitful cooperation with IAEA in nuclear technology, nuclear safety, non-proliferation, and human resources and actively participated in important international cooperation programmes such as the Global Environmental Facility (GEF), the International Thermonuclear Experimental Reactor (ITER) and the Global Nuclear Energy Partnership (GNEP). China had signed agreements on peaceful uses of nuclear energy with more than 20 countries and organizations. Further details on China's views on peaceful uses of nuclear energy could be found in the working paper NPT CONF.2010/WP.65.

36. **Mr. Naziri** (Islamic Republic of Iran) said that the inalienable right of all States parties to have access to nuclear technology for peaceful purposes without discrimination under article IV of the Treaty emanated from the fact that scientific and technological achievements were the common heritage of humanity and from the need for balance between rights and obligations, which provided incentives for membership and compliance. The right to peaceful use was even more important given the increasing application of nuclear energy and technologies in the fields of human health, medicine, industry, agriculture, environmental protection and sustainable economic development, especially in the developing world.

37. The International Atomic Energy Agency played a fundamental role in the promotion of nuclear energy for peaceful purposes, but it continued to face shortages in resources as well as restrictions imposed by some States. For example, the funding for IAEA technical cooperation was based on voluntary contributions, which were unpredictable and subject to political motivations. In the view of his delegation, IAEA technical cooperation, like its safeguards activities, should be funded from the regular budget. Iran was ready to cooperate fully with countries in the region to hold technical workshops and seminars and to transfer related nuclear medical materials under the auspices of IAEA.

38. It was a matter of deep concern that the existing export control regimes, which operated in a non-transparent and arbitrary manner, continued to create undue restrictions on the transfer of nuclear materials, equipment and technologies for the peaceful uses, in contravention of the letter and the spirit of the Treaty. Iran therefore called for the establishment of a mechanism within the framework of the review process to address the challenges facing the implementation of article IV.

39. Another source of serious concern was the fact that countries outside the Treaty were given preferential treatment in nuclear trade. The Nuclear Supplier Group was an exclusive and non-transparent export control regime that claimed to have been established to strengthen the non-proliferation regime, but had damaged the credibility of the Treaty by adopting its infamous decision in September 2008 in total defiance of paragraph 12 of the 1995 Review and Extension Conference's decision 2 entitled "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", calling for acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons as a necessary precondition for any new supply arrangements.

40. In the view of his delegation, the inalienable right of States parties to peaceful uses included all aspects of nuclear technologies, including the fuel cycle. Article IV stated: "Nothing in the Treaty shall be interpreted as affecting the inalienable rights of all the Parties to the Treaty to develop nuclear research, production and use of nuclear energy for peaceful purposes ...". There were also no provisions in the IAEA Statute, the Comprehensive Safeguards Agreement or even the Additional Protocol prohibiting or restricting the rights of the States parties to enrichment and reprocessing activities. The 2000 Review Conference had confirmed that each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

41. On the issue of multilateral approaches to the fuel cycle and assurances of nuclear fuel supply, Iran shared the view of the Movement of Non-Aligned Countries that that issue was very complex and multidimensional and had technical, legal, commercial and economic

implications that would have to be considered extensively before a consensus could be reached. With regard to nuclear safety and security, under its Act on Radiation Protection, Iran had established a national regulatory body to ensure the safety and security of its peaceful nuclear facilities. Safety and security were national responsibilities, and IAEA should play the key role in the development of international nuclear safety and security standards.

42. It remained the legitimate expectation of developing countries that the right to peaceful uses of nuclear energy, a fundamental pillar of the Treaty spelled out in article IV, should be realized. With the increasing gap between developing and developed countries in the use of nuclear energy for peaceful purposes, the 2010 Review Conference should take concrete steps to achieve that goal.

43. In that connection, Iran had made a number of recommendations that it would like to see reflected in the Committee's report. The inalienable right of all States parties to develop research and use nuclear energy for peaceful purposes without any discrimination should be reaffirmed and each country's choices and decisions in the field of peaceful uses of nuclear energy respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies. It must also be emphasized that full implementation of article IV was essential for realizing the object and purposes of the Treaty and that any interpretation that would affect the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination must be rejected. The IAEA Technical Cooperation Fund should have predictable, secured funding sufficient to enable the Agency to respond to the ever-increasing need of developing countries for nuclear energy for peaceful purposes. The developed countries must therefore fulfil their commitment to assist in the development of nuclear energy by developing countries by facilitating their participation in the fullest possible exchange of nuclear equipment, materials and scientific and technological information for peaceful purposes. The Treaty did not prohibit the transfer or use of nuclear equipment or material for peaceful purposes based on their "sensitivity" and only stipulated that such equipment and material must be subject to full-scope IAEA safeguards. The strengthening of IAEA

safeguards should not adversely affect the resources available for technical assistance and cooperation. Safeguards should be implemented in a manner designed to comply with article IV of the Treaty without hampering the economic or technological development of the States parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use and production of nuclear material for peaceful purposes. Restrictions and limitations on the transfer of nuclear materials, equipment and technologies for peaceful uses would hamper the access of developing countries to nuclear materials, equipment and technologies for peaceful purposes; restrictions and limitations posed in contravention of the letter and the spirit of the Treaty should therefore be removed. A Standing Committee, consisting of qualified governmental individuals from the States parties members of the Bureau of the previous Review Conference should be established to consider cases of transfer denials upon request by concerned States Parties and take appropriate decisions. Lastly, the 1995 NPT Review Conference decision that "new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices" should be reaffirmed.

44. **Mr. Al-Bayati** (Iraq), referring to Iraq's working paper on article IV of the Treaty (NPT CONF.2010 WP.59), said that his Government affirmed the inalienable right of States to use nuclear energy for peaceful purposes and to obtain and transfer nuclear technology without discrimination and without the imposition of any obstacles, binding conditions or selective restrictions. It also emphasized the role of IAEA in assisting States parties, in particular developing countries, to develop the peaceful uses of nuclear energy and urged it to redouble its efforts to that end. In that connection, he welcomed the recent remarks of the Director General of IAEA regarding its readiness to assist interested countries in establishing a nuclear infrastructure. In such cases the Agency's safety standards must be applied in order to avoid nuclear accidents. He also welcomed the recent pledge

by the United States of America to contribute \$50 million to the Technical Cooperation Fund over the next five years.

45. While his country supported efforts to achieve the universality of the IAEA safeguards system, it stressed that additional protocols, being a voluntary measure, could not be considered a precondition for the import of nuclear energy for peaceful purposes. Iraq also supported the IAEA initiative to establish a low enriched uranium bank, provided all the necessary assurances were given that States would retain their right to the peaceful use of nuclear energy, as well as their rights to enrich uranium and to obtain advanced technology and enriched uranium without discrimination and at fair prices.

46. With regard to security assurances on the peaceful use of nuclear energy, States should consult neighbouring countries when establishing nuclear plants, and should make arrangements between themselves, under the supervision of IAEA and the relevant regional and international environmental agencies, to ensure that negative impacts on human beings and the environment would be limited. Consideration must be given to border population clusters, international water courses and surface and groundwater sources when waste was disposed of or outdated technology was used that could lead to pollution. Nuclear safety standards and requirements must be observed when designing and building nuclear installations, because harmful radiation leaks ignored borders and had disastrous impacts on human beings and the environment.

47. **Mr. Cancchola** (Mexico) said that a result of the so-called nuclear renaissance should be to strengthen the international nuclear regime that had been built over the past six decades. The International Atomic Energy Agency should occupy a central place in that scheme, as the implementing mechanism, which would only be possible by strengthening the Agency's authority and capabilities.

48. The international nuclear non-proliferation regime should be strengthened only by implementing its current provisions, not by reinterpreting them. The Non-Proliferation Treaty, unlike most instruments of international law, had not made adequate progress in moving from codification to implementation. Mexico had therefore joined the other sponsors in submitting NPT CONF.2010 WP.4, containing proposals aimed at

strengthening implementation. The IAEA Statute and international instruments on nuclear issues, including non-proliferation, contained the elements needed to promote and ensure the peaceful use of nuclear energy and to penalize any violations.

49. Efforts to strengthen the Agency as the guarantor of the peaceful use of nuclear energy should emphasize the technical nature of its mandate, recognize the added value of its functions and seek to reinforce its capacities in a comprehensive and orderly manner, bearing in mind the role played by IAEA in other parts of the United Nations system, especially the Security Council, and the various initiatives to support non-proliferation and IAEA technical assistance. His delegation also wished in that connection to stress the importance of providing the Agency with greater financial resources so that it could properly carry out its mandate.

50. It was the hope of his delegation that the 2010 Review Conference would agree on the following commitments: to reaffirm the content, scope and validity of the provisions of the Treaty, particularly those in article IV; to urge States parties to comply fully with their obligations under the Treaty; to emphasize the importance of implementing IAEA safeguards as the standard for compliance with the provisions of the Treaty; to encourage the signature and/or ratification of the Convention for the Suppression of Acts of Nuclear Terrorism, as well as the Amendment to the Convention on the Physical Protection of Nuclear Material; to reaffirm the central role of the International Atomic Energy Agency in the international nuclear regime; and to strengthen adequately the capacities of the Agency.

51. **Mr. Kongstad** (Norway) said that, although it was the inalienable right of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty, there had been too much focus on the possible constraining nature of much-needed non-proliferation steps, in particular in discussions of international cooperative efforts on the nuclear fuel cycle. The development of fuel assurances made it possible for newcomers to nuclear energy to benefit from that energy source without the costly investments in fuel production. The German and Russian proposals for fuel cooperative arrangements represented a way of reconciling

peaceful uses of nuclear energy with collective non-proliferation concerns.

52. The "nuclear renaissance" posed challenges to the non-proliferation regime, human safety and the environment. Countries pursuing nuclear energy production must apply the highest security and safety standards and uphold its non-proliferation obligations. Norway urged all States parties to sign, ratify and implement the Amendment to the Convention on the Physical Protection of Nuclear Material, the Convention on Nuclear Safety and other relevant IAEA instruments. Transport of nuclear material must also be given greater attention, especially given the prospects for growing international cooperation on the front and back ends of the fuel cycle.

53. Implementation of non-proliferation measures such as the IAEA Comprehensive Safeguards Agreement and the Additional Protocol would foster confidence and facilitate full implementation of article IV of the Treaty. It should also be remembered that civilian nuclear cooperation covered not just nuclear energy but also other peaceful applications relating to the improvement of health, food security, water management and environmental monitoring. However, implementation of non-proliferation commitments must be the precondition for cooperation and assistance in peaceful uses. Another area of activity that would increase trust and confidence and strengthen nuclear security was the continued reduction in the use of high enriched uranium fuel in nuclear reactors and the progressive conversion of military stocks of high enriched uranium to low enriched and the placement of military stocks under IAEA safeguards.

54. **Mr. Salam** (Lebanon), speaking on behalf of the Arab Group and referring to its working paper (NPT/CONF.2010.WP.30), said that by granting non-nuclear-weapon States the inalienable right to benefit from the peaceful uses of nuclear technology, the Non-Proliferation Treaty had struck a balance that had motivated many countries to accede to it. Indeed, the balance between nuclear non-proliferation and disarmament on the one hand, and peaceful use of nuclear energy on the other, had made the Treaty the linchpin of the non-proliferation regime. The Treaty provided that all States parties were entitled to conduct research and exchange scientific information in order to develop the peaceful applications of nuclear technology, and that none of its provisions were to be interpreted as affecting States parties' rights in that

regard. However, certain States parties to the Treaty had modified their export policy in order to restrict the transfer of knowledge and technology to developing States parties. Moreover, the provision of technical assistance on nuclear issues to non-States parties by certain exporting States indicated the existence of double standards and contravened the Treaty and decision 2 adopted at the 1995 Review and Extension Conference, which stipulated that new supply arrangements for the transfer of nuclear materials should require acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

55. At its 2007 and 2008 ordinary sessions, the League of Arab States had adopted two significant resolutions on the exercise by Arab States of the right to use nuclear technology for peaceful purposes. In 2009, the League had adopted the Arab Strategy for the Peaceful Uses of Nuclear Energy until 2020. In exercise of their rights as parties to the Treaty, a number of Arab States planned to increase their use of nuclear technologies in all areas that would promote sustainable development. Taking note of the initiatives of certain parties regarding the supply of nuclear fuel, the Arab Group strongly rejected any attempt to dissuade States parties from developing or obtaining nuclear technology for peaceful purposes.

56. The Arab States were fully committed to adherence to all international instruments to which they were parties, and to cooperation with the relevant international agencies, chief among them IAEA, which had a prominent role in helping developing States parties to improve their scientific and technological capabilities in terms of the peaceful use of nuclear energy.

57. In that context, the Arab Group stressed the following principled positions. First, any attempt to interpret the Treaty in a manner that restricted the inalienable right of all States parties to possess and develop nuclear technology for peaceful purposes was unacceptable. Second, IAEA comprehensive safeguards agreements were the legal framework and standard for verifying the peaceful use of nuclear energy, whereas additional protocols to such agreements were voluntary and non-binding. Third, no new commitments for non-nuclear-weapon States could be accepted until genuine progress was made towards achieving universality of the Treaty, nuclear disarmament and

State party compliance with all current commitments, in particular, implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference. Fourth, IAEA, as the sole authority responsible for verifying implementation of comprehensive safeguards agreements, must maintain its neutrality, in conformity with its Statute. Fifth, the Arab States called on the Agency to halt all technical cooperation with Israel until the latter acceded to the Treaty as a non-nuclear-weapon State and placed all its nuclear facilities under IAEA safeguards. Sixth, the Arab States rejected attacks and the threat of attacks against nuclear facilities, as such actions undermined international law and threatened international peace and security.

58. **Mr. Ali** (Syrian Arab Republic) said that upholding the inalienable right of all States parties to develop, research and benefit from the peaceful applications of nuclear energy was one of the fundamental objectives of the Non-Proliferation Treaty. In that respect, the Syrian Arab Republic expressed alarm at the continued imposition of restrictions on the export of materials and equipment for use in peaceful atomic energy programmes to developing non-nuclear-weapon States that were parties to the Treaty and that had concluded comprehensive safeguards agreements with IAEA. Such restrictions hindered development projects in those countries. Syria rejected any attempt by States parties to use the IAEA Technical Cooperation Programme as a means to achieve political ends, since such acts constituted a violation of the Treaty and of the Agency's mission.

59. His Government recognized the Agency's important role in assisting developed and developing States parties, and in particular, in accelerating socio-economic development projects, in accordance with its Statute. Financial and human resources must be provided and a detailed programme and strategy that addressed the needs of developing States must be put in place in order to maintain a sustainable Technical Cooperation Programme.

60. Certain nuclear-weapon States continued to contravene their Treaty obligations by supplying Israel with all the materials, equipment and technology to develop its nuclear arsenal, a matter of grave concern. Arrangements to monitor the Treaty regime must be characterized by complete transparency and be devoid of double standards.

61. Noting that the continued existence of Israeli nuclear arsenals outside the Treaty regime posed a threat to the safety, security and stability of the peoples of the region, he urged the international community, in particular the nuclear-weapon States, to adopt serious measures to redress that major imbalance in the non-proliferation regime.

62. In order to bolster the Treaty's effectiveness and credibility, the Review Conference must intensify efforts to protect the right of States parties to use nuclear technology for peaceful purposes and to preserve the delicate balance between the rights and the responsibilities stipulated by the Treaty. Syria hoped that the outcome document would contain clear references to the following points. First, nuclear-weapon States must commit fully to halting all support for Israel's internationally illegitimate development of nuclear weapons. Second, any reinterpretation of Treaty provisions in a manner that would run counter to its spirit and purpose must be avoided, and the balance between nuclear-weapon and non-nuclear-weapon States must be maintained. Third, countries must not impose restrictions or otherwise hinder the legitimate right of States parties to benefit from the peaceful applications of atomic energy, and the politicization of the work of IAEA must be prevented. If those recommendations went unheeded and the current policy of selectivity were to persist, the nuclear non-proliferation regime would face an uncertain future mired in chaos.

63. The demand by certain nuclear-weapon States to impose harsh restrictions on the right to withdrawal from the Treaty, which was stipulated in its article X, was the most glaring example of double standards, particularly in light of the unstinting provision of nuclear assistance by some nuclear-weapon States to Israel, which had developed military nuclear capabilities outside international supervision. Any amendment to the provisions of article X must be avoided, as must any attempt to adopt new measures in respect of withdrawal.

64. **Mr. Baddoura** (Lebanon) said that part of the "magic formula" holding the Treaty together and giving it consistency and meaning was the inalienable right, guaranteed to non-nuclear-weapon States in article IV of the Treaty, to benefit fully from the peaceful uses of nuclear energy in exchange for giving up their nuclear weapons option. Lebanon had placed its modest nuclear activities under the IAEA safeguards

and verification regime and relied on the Technical Cooperation Programme in areas such as health, agriculture, water resources and research. Lebanon had ratified almost all relevant international instruments and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management would soon be ratified.

65. All indicators pointed towards heavier reliance on nuclear energy and nuclear power in the future, which warranted a greater emphasis on the inalienable right to peaceful uses of nuclear technology, especially for developing countries. His delegation cautioned against initiatives or developments that could, if not carefully and multilaterally guided, undermine that right.

66. States parties should avoid any action that could upset the balance between the three pillars of the Treaty or that sought to reorder IAEA priorities as enshrined in its Statute that might reduce its technical cooperation activities. In that regard, Lebanon echoed the call of many other delegations for a renewed commitment to a sufficient, assured and predictable financing of technical cooperation in IAEA. While Lebanon recognized that each right, including the right to peaceful use, entailed some duties, care should be taken not to blur the frontiers between what was legally binding on States parties, what was voluntarily agreed to by them, and what could seem desirable as confidence-building measures. Non-proliferation concerns were of the utmost importance, but they should not lead to undue or unjustifiable restrictions on the export of nuclear material or nuclear technology to developing countries. The issue of nuclear fuel supply assurances or, more broadly, the multilateralization of the fuel cycle, merited serious study, as hasty introduction of such complex arrangements might only create more problems.

67. **Ms. Mourabit** (Morocco) said that the current global context, with its new socio-economic realities, continued population growth, climate change and rising fossil fuel costs, had a strong impact on global demand for energy and electricity. Nuclear energy produced for peaceful purposes had therefore become an urgent need for all countries seeking to ensure their economic and social development.

68. Although many delegations had affirmed the inalienable right to peaceful use of nuclear cooperation, others had stressed the link between access to nuclear energy and the risks of nuclear

proliferation. There was a danger in systematizing such a link, however; it could deepen divisions between nuclear and non-nuclear States. Solutions to such proliferation risks could be found in the generalized system of International Atomic Energy Agency safeguards and additional protocols. All States parties to the Non-Proliferation Treaty, including non-nuclear States, had pledged to avoid all risks of proliferation and to contribute to strengthening the non-proliferation regime.

69. Peaceful, transparent and responsible use of nuclear energy would contribute to economic and social development. Strengthening the nuclear non-proliferation regime should not pose new barriers to the promotion of international cooperation and transfer of nuclear technology for peaceful purposes. The role of IAEA in assisting developing countries and in promoting access to peaceful uses of nuclear energy should be strengthened, and States parties with science programmes including nuclear technology should cooperate with developing countries in need of nuclear applications, particularly in the areas of health, agriculture and energy.

70. **Mr. Khaer Ibrahim** (Malaysia) said that IAEA must be equipped with sufficient, assured and predictable resources so as to maintain its technical cooperation activities, in particular the transfer of nuclear technology to States pursuing peaceful uses of nuclear energy. Such programmes should continue to be developed in a professional, impartial and non-discriminatory manner, in line with the IAEA Statute. Malaysia strongly believed that current guidelines and criteria as set out in INFCIRC 267 for the screening of project proposals, programme implementation and subsequent evaluation, were sufficient and effective.

71. Under the Treaty, States parties were entitled to have access to nuclear technology in a non-discriminatory manner. The Treaty also provided for the exchange of nuclear knowledge and scientific information and for cooperation among States to develop the peaceful uses of nuclear energy, which benefited participants in the fields of energy, food, water security and health care, as well as environmental preservation. Malaysia was one of the sponsors of the working paper submitted by Japan on strengthening the technical cooperation activities of IAEA (NPT CONF 2010 WP13).

72. Malaysia wished to explore the possibilities offered by assurances of nuclear fuel supply and called for the establishment of an open-ended working group to discuss the matter in detail. Nuclear fuel and fuel services must be made available under the IAEA Statute to all States parties that were in full compliance with their non-proliferation commitments under IAEA safeguards mechanisms, and with the exclusive verification of compliance by IAEA. However, Malaysia was concerned at the denials of transfer of nuclear technology, material and equipment, especially to developing countries, which adversely affected progress in medical technology and health-care applications. Malaysia welcomed the efforts of the International Steering Committee on Denials and Delays of Shipment of Radioactive Material to address that growing concern.

The meeting rose at 1.10 p.m.